

## **QUESTIONS AND ANSWERS**

Here is a listing of the most commonly asked questions about the Guam worker's compensation program and the answers to these questions.

### **A. WHAT IS THE WORKER'S COMPENSATION PROGRAM?**

It is an insurance plan provided by your employer which pays all medical costs if you get hurt or become sick because of conditions on your job. The program also provides automatic payment to you for part of the wages you might lose if your injury or illness disables you for more than three (3) days. However, the first three (3) days of disability may be compensable if such disability exceeds fourteen (14) days.

Your employer must pay for this insurance. He cannot require you to pay any part of it.

### **B. HOW DO I GET MY BENEFITS?**

If you get hurt or become sick because of conditions on your job, tell your employer immediately! That should start the automatic process for benefit payments. You can expect to receive your first benefit payment in 14 days. If you are entitled to additional payments because of the extent of your injury or illness, you should receive a check every two weeks or as directed by the Commissioner. If you do not report to your employer within thirty (30) days from the date of your work injury or illness, your benefits may be jeopardized.

### **C. WHAT IF ANOTHER PERSON, OTHER THAN MY EMPLOYER OR CO EMPLOYEES WAS RESPONSIBLE FOR THE ACCIDENT?**

If a person, other than your employer or a co worker, was the cause of or responsible for the accident in which you were injured, you have the option to file a claim against that person for recovery of damages. You must tell your employer, the insurance carrier of your employer, and the WCC of your intention of recovering damages against the other person.

Your employer and/or his insurance carrier, if they have paid compensation, are subrogated to your rights for recovery for damages against the other person if you have filed a claim for worker's compensation benefits and an award was issued in your favor. If your employer and/or the insurance carrier sues for damages against the other person and recovers more than what has been paid to you, you are entitled to the amount of recovery less the employer's and/or carrier's expenses.

If your employer is not insured for workers compensation, you have the option of filing suit against him at law or in admiralty.

### **D. HOW LONG MUST I BE EMPLOYED TO BE COVERED BY THIS INSURANCE?**

You are covered from the first moment on the job.

**E. HOW MUCH OF MY LOST WAGES DOES THIS INSURANCE PAY?**

This depends on the type of disability you have. In most instances, you will receive two thirds of your regular pay NOT TO EXCEED \$250 per week. (See the benefits section of this booklet for more details about wage benefits.)

**F. IF I AM HURT OR GET SICK BECAUSE OF CONDITIONS ON MY JOB, WHO SELECTS THE DOCTOR?**

Your employer has the right to choose the doctor. Ask your employer which doctor you should see. If you are not satisfied with that doctor's treatment, you may ask your employer to select another one.

**G. WHAT HELP DOES THE WORKER'S COMPENSATION PROGRAM PROVIDE IF I AM PERMANENTLY DISABLED AND CANNOT GO BACK TO MY OLD JOB?**

The worker's compensation program provides arrangements for special training for workers who need it to return to their old job or to learn a new job. If the need for such training arises, you should call the WCC.

**H. IF I AM NOT ABLE TO WORK BECAUSE OF MY JOB RELATED INJURY OR ILLNESS, CAN MY EMPLOYER FIRE ME?**

YES. Your employer is not obligated to hold your job open for you. However, the recently enacted Family Leave Act (federal) may require your employer to hold your job for you during your disability.

**I. WHAT IF I DON'T RECEIVE MY BENEFITS?**

Contact the WCC. WCC will send you the proper form for filing a claim for benefits. You will receive a written decision within 20 days on whether you are entitled to benefits.

Completing and returning the form will result in the quickest action on your claim for benefits.

**J. WHAT IF MY CLAIM IS TURNED DOWN?**

You have the right to a hearing. If you are not satisfied with the results of the hearing, you have the right to appeal. Hearing and appeal procedures are provided under the Worker's Compensation Law. If you have any questions about these procedures, call the WCC.

**K. WHAT HAPPENS IF I AM KILLED ON THE JOB?**

Up to \$100,000 in worker's compensation will be paid to your eligible dependents.

**L. WILL WORKER'S COMPENSATION PAY FOR THE FUNERAL EXPENSES?**

YES. Up to \$3,600 in reasonable funeral expenses. This is part of the \$100,000.

**M. IF I HIRE A LAWYER, WILL I HAVE TO PAY THE FEE?**

YES.

**N. YOUR RIGHTS**

Under the Guam Worker's Compensation Law, you have the right to...

- insurance protection in case of job related injury or illness, beginning with your first moment on the job.
- prompt payments of benefits provided by the law.
- periodic reports on the status of your claim from the WCC, the insurance company, and your employer.
- copies of any medical reports you request.
- assistance from the WCC, including complete information about the Worker's Compensation Law.

WCC will respond to your question.

**O. YOUR RESPONSIBILITIES**

To receive worker's compensation benefits, you must...

- promptly report your job related injury or illness to your employer.
- use the doctor chosen by your employer or his insurance company. If you are not satisfied with that doctor, ask your employer to select a different one.
- (Obtaining medical treatment not authorized by either your employer or his insurance carrier, or not prescribed by your authorized treating doctor will be at your own expense and not reimbursable.)
- cooperate with any rehabilitation program the Commission considers necessary to help you return to work.

**P. MEDICAL BENEFITS**

Worker's compensation will pay the following costs resulting from a job related injury or illness...

- Medical, surgical or hospital care.
- prescribed items, such as drugs, braces, prosthetic devices and wheelchairs.
- rehabilitation training in preparation for your return to work.
- transportation to medical centers, not in the surrounding neighborhood, for required treatments.

As explained elsewhere in this booklet, if you are injured on the job or have a job related illness, you have the right to immediate medical treatment to be provided by your employer or its insurance carrier after you have reported to them your work injury. Your employer or his insurance company must pay for your medical care. Your employer has the right to choose the doctor who will treat your injury or illness, BUT you may request a different doctor (preferably in writing). Your employer or his insurance company retains the right to select a different doctor.

### **Q. CASH BENEFITS**

If you cannot work because of a job related injury or illness, and if your injury or illness disables you for more than three (3) days, you are entitled to cash payments to replace part of your lost wages. The amount of money you receive depends on your average weekly wage (AWW) at the time you are injured or become ill, and the severity of your disability.

The WCC can help you determine the amount of cash payments you should receive.

### **R. TYPES OF DISABILITY**

#### **Temporary Total (TTD)**

A disability that prevents you from working during a limited period of time. Compensation is 66- 2/3% of your AWW not to exceed \$250 per week.

#### **Temporary Partial (TPD)**

A disability that allows you to work in a limited capacity during recovery. If, during recovery, you earn less than your pre injury wages, your worker's compensation benefits shall be NO GREATER than 66-2/3% of the difference of your pre injury wages and your current lower wages, NOT TO EXCEED \$250 per week.

#### **Permanent Partial (PPD)**

A disability that results in amputation, loss of range of motion, loss of wage earning capacity, loss of vision after correction, or serious facial or head disfigurement. Compensation is based on a rating that follows the American Medical Association guidelines after you have reached maximum medical improvement (when you have recovered as much as can be expected). You may be entitled to an aggregate compensation of \$100,000.

### **Permanent Total (PTD)**

A disability that prevents you from returning to work. Benefits are paid at a rate of 66-2/3% of your pre injury wages not to exceed \$250 per week for as long as the disability continues subject to an aggregate compensation of \$100,000.

## **S. OTHER CASH BENEFITS**

### **Death**

Death benefits are payable to surviving dependents of a worker who dies because of a job related accident or illness. The amount will vary according to the number of dependents, but will not be more than 66-2/3% of the AWW before the injury. The maximum amount possible is \$100,000.

Up to \$3,600 in actual burial costs may also be paid. If there are no qualified dependents, no compensation will be paid.

Total cash payments for any one work injury, illness, or death cannot exceed the aggregate total of \$100,000.

## **T. MISREPRESENTATION**

Any person who, under false pretenses, files a claim for the sole purpose of obtaining worker's compensation benefits, either for himself or another, shall be guilty of a misdemeanor. Such person, if convicted, shall be penalized a sum not to exceed \$1,000 or imprisonment not to exceed one (1) year or a combination of both.

If you have any question as to whether you have a valid claim, please contact the office of the Worker's Compensation Commission.